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March 30, 2011

BY ELECTRONIC FILING AND US MAIL

Hon. Cheryl L. Pollak
United States District Court - Eastern District of New York
225 Cadman Plaza East
Room 1230
Brooklyn, New York 11201

**RE: The Gerffert Company, Inc., et. al. v. James Dean, et. al.
Case Number 1:09-CV-00266-KAM-CLP**

Hon. Cheryl L. Pollak:

I am writing to advise Your Honor that I sent an email to Mr. Shenkman last Friday advising him of Mr. Paginel's wishes for me to remain as counsel and requesting he provide me with a briefing schedule. To date, I have not received a response to my email.

I apologize for not copying Your Honor on my email to Mr. Shenkman.

Respectfully submitted,



Howard Benjamin

cc: Kevin I. Shenkman
(via email)